



**ARGUMENTS/REMARKS**

**1. Response to Claims Objections**

The Official Action objects to claim 23 because it is said to depend on claim 8 when it should depend on claim 20.

In reviewing the file of this application, applicants' attorney has located a Preliminary Amendment dated December 30, 2003, an Information Disclosure Statement dated December 30, 2003, and a postcard acknowledgement for these two items bearing a Patent Office Date stamp of January 2, 2004. Copies of these three papers are attached to this response as Attachments A, B and C respectively.

It does not appear that the Examiner's action considered these papers, because (1) the Preliminary Amendment changed the dependency of claim 23 from claim 8 to claim 20, which the Official Action now requests, (2) there is no acknowledgement in the Official Action of the references cited in the Information Disclosure Statement, and (3) the Official Action summary, in paragraph 1, refers solely to an earlier communication.

It is respectfully requested that the Preliminary Amendment (with amendments to both specification and claims) and Information Disclosure Statement, both of which appear to have been received by the Patent Office, be given effect as of their filing date of January 2, 2004.

The listing of claims in this response proceeds as if the claims in the Preliminary Amendment had been entered (claims listed as "currently amended" in the Preliminary Amendment are listed in this response as "previously presented"). (If the Examiner would prefer applicants' attorney to proceed in a different manner, guidance is requested and would be appreciated.)

Because the dependency of claim 23 was corrected in the Preliminary Amendment, and because the claim as listed above depends on claim 20, it is respectfully requested that the objection to claim 23 be withdrawn.

## **2. Response to Rejections Based on Obviousness-type Double Patenting**

Claims 1-23, as listed above, remain for prosecution in this application.

Claims 1-23 have been rejected under the judicially created doctrine of obviousness-type double patenting with respect to the claims of U.S. Patent 6,658,254, issued on application serial no. 09/414,135, of which the present application is a continuation.

Common ownership by AT&T Corp. of the parent application and U.S. Patent 6,658,254 and the present application is shown by the assignment recorded at reel/frame 010307/0260, a copy of which is attached as Attachment D.

Accompanying this response is a Revocation of Associate Power and Appointment of New Attorney, naming Joseph L. Lazaroff as attorney with full power to prosecute the application and to transact all business in the Patent and Trademark Office connected therewith.

Also accompanying this response is a terminal disclaimer in compliance with 37 CFR 1.321(c), signed by the newly appointed attorney of record, and accompanied by the disclaimer fee of \$130.

The terminal disclaimer is sufficient to obviate the double patenting rejection. 37 CFR 1.130(b). Accordingly, withdrawal of the double patenting rejection is respectfully requested.

For the foregoing reasons, it is respectfully submitted that pending claims 1-23 are now allowable, and reconsideration and allowance of the claims in this case are respectfully requested. If there are any outstanding issues, the Examiner is invited to contact applicant's attorney at 203-838-8037.

Further accompanying this response is a Change of Correspondence Address.

Respectfully,  
Kermit Hal Purdy et al.

By: 

Joseph L. Lazaroff, Attorney  
Reg. No. 23096  
Tel. 203-838-8037  
Fax 203-853-4803

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New Correspondence Address:  
**Mr. S. H. Dworetsky**  
**AT&T Corp.**  
**Room 2A-207**  
**One AT&T Way**  
**Bedminster, New Jersey 07921**